

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT G. LOPEZ,

Plaintiff,

-against-

NIKE, INC., et al.,

Defendants.

**ORDER**

20 Civ. 905 (PGG) (JLC)

PAUL G. GARDEPHE, U.S.D.J.:

This is a trademark infringement action in which pro se Plaintiff Robert G. Lopez alleges claims against numerous retailers. (See Am. Cmplt. (Dkt. No. 8)) Defendants Bloomingdale's, Inc., Nordstrom, Inc., and Urban Outfitters, Inc. (collectively, "Defendants") have moved to dismiss. (Mot. (Dkt. No. 25); Bloomingdale's Br. (Dkt. No. 25-1); Joint Mot. (Dkt. No. 105); Joint Br. (Dkt. No. 106)) This Court referred Defendants' motions to Magistrate Judge James L. Cott for a Report & Recommendation ("R&R"). (See Dkt. Nos. 30 and 110) On January 14, 2021, Judge Cott issued a thorough and well-reasoned forty-two page R&R in which he recommends that Defendants' motions be granted. (Dkt. No. 111) No objections were filed to the R&R. This Court adopts the R&R in its entirety.

Accordingly, Plaintiff's Lanham Act claims, and trademark infringement and unfair competition claims under New York law, are dismissed pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff's unjust enrichment claim is dismissed as withdrawn. (See Pltf. Br. (Dkt. No. 62) at 8; R&R (Dkt. No. 111) at 3 n.2) Plaintiff's request for leave to file a second amended complaint is denied. The Clerk of Court is directed to terminate the motions to dismiss (Dkt. Nos. 25 and 105).

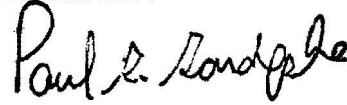
This Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order

would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Chambers will mail a copy of this Order to Plaintiff and note service on the docket.

Dated: New York, New York  
February 16, 2021

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and prominent. The signature is positioned above a horizontal line.

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Paul G. Gardephe  
United States District Judge